

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Billy Riley Jr.

Docket No. 7:06-CR-16-2H

Petition for Action on Supervised Release

COMES NOW Erik J. Graf, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Billy Riley Jr., who, upon an earlier plea of guilty to Possession With Intent to Distribute More Than 5 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on April 4, 2007, to the custody of the Bureau of Prisons for a term of 180 months. It was further ordered that upon release from imprisonment, the defendant be placed on supervised release for a period of 60 months.

On May 5, 2009, Riley's term of imprisonment reduced from 180 months to 144 months pursuant to 18 U.S.C. § 3582(c)(2).

On March 20, 2013, Riley's term of imprisonment reduced from 144 to 116 months resulting from a second motion pursuant to 18 U.S.C. § 3582(c)(2).

Billy Riley Jr. was released from custody on December 9, 2014, at which time the term of supervised release commenced.

On March 9, 2017, Riley's conditions were modified to include participation in the DROPS program as a result of a positive urinalysis result for cocaine.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On June 3, 2018, Riley was charged with felonious Manufacture, Sell, Deliver or Possess a Controlled Substance Within 1000 Feet of a School, felonious Maintaining a Vehicle, Dwelling, or Place for Controlled Substances, and felonious Possession With Intent to Manufacture, Sell, or Deliver Scheduled II Controlled Substance (18CR54332) and misdemeanor Possession Marijuana Paraphernalia (18CR54333) in New Hanover County District Court in Wilmington, North Carolina. These charges were subsequently dismissed.

On July 19, 2018, Riley was charged with 2 counts of misdemeanor Possession of Drug Paraphernalia (18CR3616 and 18CR3617) stemming from the same conduct which occurred on June 3, 2018. Riley pled guilty to these charges and received a sentence which included a term of supervised probation and court costs.

As a result of his conviction for these offenses, it is recommended that Riley be placed on a 60-day term of location monitoring curfew. Additionally, the probation officer will subject Riley to cognitive intervention strategies to assist this offender avoid these encounters in the future.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to their residence during the curfew hours. The

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defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Erik J. Graf
Erik J. Graf
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2031
Executed On: August 3, 2018

ORDER OF THE COURT

Considered and ordered this 6th day of August 2018 and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge